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In re Application of: Cofler, et al.)
Application No. 09/748,077) DECISION ON PETITION TO
Attorney Docket No. S1022/8583) WITHDRAW HOLDING OF
Filed: December 22, 2000) ABANDONMENT UNDER 37 CFR
For: COMPUTER SYSTEM WITH DEBUG) §1.181
FACILITY)

This is a decision on the petition to withdraw the holding of abandonment, under 37 CFR §1.181, filed on September 23, 2004.

The instant application became abandoned for failure to timely respond to the Office action mailed February 19, 2004. A grantable petition must include a copy of the response and proof of timely filing of the response. A stamped post card receipt with an indication of the documents filed therewith is acceptable. No fee is required.


Petitioner has provided evidence in the petition that includes: a copy of the amendment/response; transmittal letter; a petition request (and copy of check #44 0019960) for a one month (\$110) extension of time under 37 CFR §1.136(a); and a post card receipt identifying the contents of the response, which includes a USPTO receipt date of June 23, 2004.

Applicant's submit that a response was filed in a timely manner, however, due to the fact that there were numerous errors in the header information of the response as filed, the USPTO incorrectly identified the response and paper matched according to the misinformation on the response. As stated further, clearly applicants' intent was to file the response in the present application, but used an incorrect serial number on the transmittal letter. Accordingly, the response (including transmittal letter, petition for extension of time, amendment and six sheets of formal drawings) has been removed from the incorrect serial number identified on the transmittal letter and amendment, and has been placed in the instant application for processing.

Since all of the criteria set forth above have been met, the petition is **GRANTED**.

Application No. 09/748,077
Decision on Petition

The application is being forwarded to the Supervisory Legal Instruments Examiner with instructions to withdraw the holding of abandonment (restore the instant application to pending status), to enter the response (filed June 23, 2004) along with the request for one-month extension of time. Applicant should note the one-month extension fee (\$110) has been refunded to the (account of the) incorrect serial number identified and applied against the instant application. This application will then be forwarded to the examiner for prompt action on the merits.


11/12/04
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